

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

AX-IT International Inc.  
12425 St. James Way  
Tustin California 92780  
CAR000088021

Respondent.

Docket HWCA 2006-1110

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and AX-IT International Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent operated as a transfer facility and transporter of hazardous waste at the following site: 1517 Harmony Circle, Anaheim, California, 92807 (Site).

1.3. Inspection. The Department inspected the Site on January 23, 2006.

1.4. Authorization Status. Respondent was a registered hazardous waste hauler with registration number 4102. The registration expired on January 31, 2005.

1.5. Jurisdiction. Health and Safety Code section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations

alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. The Respondent violated Health and Safety Code section 25163 (a) (1), and California Code of Regulations, title 22, section 66263.11 (b), in that between February 1, 2005 and September 9, 2005, Respondent transported hazardous waste, at least 15 times, without a hauler registration or other authorization from the Department.

2.1.2. The Respondent violated Health and Safety Code section 25201 (a), and California Code of Regulations, title 22, section 66263.18, in that on or about January 23, 2006, Respondent held hazardous wastes at its transfer facility for more than ten days without an authorization from the Department.

## 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has certified through the submittal dated May 5, 2006, that the facility is out of business and violations set forth above have been corrected.

3.1.2. Respondent shall make all payments at the time and in accord with any other conditions set forth in Section 5 (Penalty) below.

## 4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of

past, current, or future operations of Respondent, except as provided in this Order.

Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.8. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

## 5. PENALTY

5.1. Respondent shall pay the Department the total sum of \$ 10,000 of which \$8,545 is a penalty and \$1,455 is reimbursement of the Department's costs incurred in this matter.

5.2. Respondent shall pay the Department the penalty specified in paragraph 5.1 above, in five installments of \$2,000 each. The first, second, third, fourth and fifth payments are due within 30, 60, 90, 120 and 150 days of the effective date of this Order respectively.

5.3. Respondent's check shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the

caption of this Order, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Carmelita Lampino, Unit Chief  
Statewide Compliance Division, Cypress Branch  
Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, California 90630

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

#### 6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: June 28, 2006

Original signed by Daniel J. Maitland  
Daniel J. Maitland, President  
AX-IT International Inc.

Dated: June 28, 2006

Original signed by Carmelita E. Lampino  
Carmelita Lampino, Unit Chief  
Statewide Compliance Division  
Cypress Branch  
Department of Toxic Substances Control